

Chesapeake Bay Exception CBE-11-012: 7515 Oak Cove Road

Staff report for the September 8, 2010 Chesapeake Bay Board Public Hearing

This staff report is prepared by the James City County Environmental Division to provide information to the Chesapeake Bay Board to assist them in making a recommendation on this assessment. It may be useful to members of the general public interested in this assessment.

Existing Site Data & Information

Applicant: Jennifer Privette

Land Owner: Patricia R. Overman
114 Leslie Drive
Newport News, VA 23606

Location: 7515 Oak Cove Road
PIN: 1910100013

Parcel Size/Zoning: 0.51 +/- acres, A1 General Agriculture
Percent of Parcel in RPA: 90% (0.46 +/- acres)

Watershed: Chickahominy River (HUC – JL28)

Proposed Impacts

Impervious Area: approximately 750 square feet

RPA Encroachment: Landward and Seaward 50 foot RPA Buffer

Brief Summary and Description of Activities

Ms. Jennifer Privette on behalf of Ms. Patricia Overman has applied for an exception to the Chesapeake Bay Ordinance for the encroachment into the RPA buffer for a replacement retaining wall, a new retaining wall, and a brick paver patio. She has also applied for an administrative waiver for the replacement of a shed and brick paver walkway to the existing dock.

The proposed retaining walls and patio will create approximately 750 square feet of impervious cover in the RPA buffer. The existing wall is showing signs of failure. The new retaining wall will form a terrace in the backyard for the proposed patio. The applicant proposes to remove four trees during the construction process, three for the construction of the retaining walls/patio, and one as buffer modification request. The proposed mitigation measures should be 2 canopy trees, 4 understory trees, and 6 shrubs in order to meet the County requirement based on the proposed impervious cover.

The lot was recorded before the 1990 adoption of the Chesapeake Bay Preservation Ordinance. In this case, the exception request is for the replacement of a retaining wall, a new retaining wall, and a new brick paver patio will encroach into the RPA buffer. Therefore in accordance with section 23-14 of the

Ordinance, an exception must be processed by the Chesapeake Bay Board after a public hearing. Furthermore, staff finds that the application has met the conditions in the Chesapeake Bay Preservation Ordinance, Sections 23-11 and 23-14, and that the application should be heard by the Board.

Staff Recommendation

Staff has fully reviewed the application and exception request, including the WQIA, and has determined impacts associated with the proposal to be minimal for the proposed construction and that the proposed mitigation measures are adequate. Staff recommends the Chesapeake Bay Board approve this Chesapeake Bay Exception with the following conditions:

1. The applicant must obtain all other necessary local permits as required for the project.
2. A mitigation plan, meeting James City County requirements, shall be submitted and approved prior to work commencing.
3. All proposed mitigation plantings shall meet James City County standards of 1" caliper for the canopy and understory trees and with the proposed shrubs being of three gallon size.
4. A pre-construction meeting shall be held on-site prior to work commencing.
5. Full implementation of the RPA Mitigation Plan and any additional Board mitigation requirements shall be guaranteed through the provisions of the Ordinance contained in Sections 23-10(3) d. and 23-17(c) by providing a form of surety satisfactory to the County Attorney.
6. This exception request approval shall become null and void if construction has not been completed by September 8, 2011 including the required mitigation plantings.
7. Written requests for an extension to an exception shall be submitted to the Environmental Division no later than 2 weeks prior to the expiration date.

Consideration by the Chesapeake Bay Board

The exception granting body is permitted to require reasonable and appropriate conditions in granting the exception request in accordance with Section 23-14 of the County's Chesapeake Bay Preservation ordinance. The Chesapeake Bay Board is to fully consider Chesapeake Bay Exception CBE-11-012 as outlined and presented above and review the request for exception and the water quality impact assessment. The Board may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chapter 23 Chesapeake Bay Preservation Ordinance. Resolutions for granting approval or granting denial of Chesapeake Bay Exception CBE-11-012 are included for the Board's use and decision.

Staff Report prepared by:

Michael D. Woolson
Senior Watershed Planner

CONCUR:

Scott J. Thomas
Secretary to the Board

Attachments: Sensitive Area Activity Application
GIS photo